

## TITLE 14B – DEPARTMENT OF PUBLIC SAFETY

*Notice is hereby given in accordance with G.S. 150B-21.2 that the Private Protective Services Board intends to amend the rules cited as 14B NCAC 16 .0806, .0904, and .0911.*

**Link to agency website pursuant to G.S. 150B-19.1(c):** <https://www.ncdps.gov/dps-services/permits-licenses/private-protective-services-board>

**Proposed Effective Date:** August 1, 2022

**Public Hearing:**

**Date:** April 26, 2022

**Time:** 2:00 p.m.

**Location:** 3101 Industrial Dr., Suite 104, Raleigh, NC 27609

**Reason for Proposed Action:** *The Board adopted first emergency, then temporary and finally permanent rule amendments to extend renewal deadlines for firearm registration permits and firearm trainer certificates during times of a declared state of emergency and is now amending the rule to afford the same extension for an unarmed trainer certificate. Further, the period of time for extension is being increased from 60 to 90 days.*

*Note: The changes to 14B NCAC 16 .0911(a)(2), (3) and new (4), and new (b) are currently pending in the rulemaking process.*

**Comments may be submitted to:** Paul Sherwin, 3101 Industrial Dr., Suite 4, Raleigh, NC 27609; phone (919) 788-5320; fax (919) 715-0370; email [Paul.sherwin@ncdps.gov](mailto:Paul.sherwin@ncdps.gov)

**Comment period ends:** May 31, 2022

**Procedure for Subjecting a Proposed Rule to Legislative Review:** If an objection is not resolved prior to the adoption of the rule, a person may also submit written objections to the Rules Review Commission after the adoption of the Rule. If the Rules Review Commission receives written and signed objections after the adoption of the Rule in accordance with G.S. 150B-21.3(b2) from 10 or more persons clearly requesting review by the legislature and the Rules Review Commission approves the rule, the rule will become effective as provided in G.S. 150B-21.3(b1). The Commission will receive written objections until 5:00 p.m. on the day following the day the Commission approves the rule. The Commission will receive those objections by mail, delivery service, hand delivery, or facsimile transmission. If you have any further questions concerning the submission of objections to the Commission, please call a Commission staff attorney at 984-236-1850.

**Fiscal impact. Does any rule or combination of rules in this notice create an economic impact? Check all that apply.**

- ☐ State funds affected
- ☐ Local funds affected
- ☐ Substantial economic impact ( $\geq$  \$1,000,000)
- ☐ Approved by OSBM
- ☒ No fiscal note required

### CHAPTER 16 - PRIVATE PROTECTIVE SERVICES BOARD

#### SECTION .0800 - ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT

##### **14B NCAC 16 .0806 RENEWAL OF ARMED SECURITY GUARD FIREARM REGISTRATION PERMIT**

(a) Each applicant for renewal of an armed security guard firearm registration permit identification card or his or her employer shall complete an online form on the website provided by the Board. This online form shall be submitted not more than 90 days prior to expiration of the applicant's current armed registration and shall be accompanied by:

- (1) one head and shoulders color digital photograph of the applicant in JPG, JPEG, or PNG format of sufficient quality for identification, taken within six months prior to online application and submitted by uploading the photograph online with the application submission;
- (2) upload online a statement of the results of a statewide criminal history search obtained by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 12 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee;
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board;
- (5) a statement signed by a certified trainer that the applicant has successfully completed the training requirements of Rule .0807 of this Section; and
- (6) a completed affidavit form and public notice statement form.

- (b) The employer of each applicant for a registration renewal shall give the applicant a copy of the online application and a copy of the completed affidavit form to serve as a record of application for renewal and shall retain a copy of the application, including affidavit in the guard's personnel file in the employer's office.
- (c) Members of the armed forces whose registration is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the registration renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.
- (d) A registered armed security guard may utilize a dedicated light system or gun-mounted light for requalification.
- (e) During a national or State declared state of emergency that restricts or prohibits a registered armed security guard from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to ~~60~~ 90 days beyond the effective period of the state of emergency. Any registration renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the ~~60<sup>th</sup>~~ 90<sup>th</sup> day if requalification requirements have not been met.

*History Note:* Authority G.S. 74C-5; 74C-13;  
 Eff. June 1, 1984;  
 Amended Eff. May 1, 2012; October 1, 2010; December 1, 1995; February 1, 1990; December 1, 1985;  
 Transferred and Recodified from 12 NCAC 07D .0806 Eff. July 1, 2015;  
 Amended Eff. January 1, 2018; November 1, 2017;  
 Readopted Eff. November 1, 2019;  
 Amended Eff. March 1, 2020;  
 Emergency Amendment Eff. May 6, 2020;  
 Temporary Amendment Eff. July 24, 2020;  
 Temporary Amendment Expired Eff. May 14, 2021;  
 Amended Eff. January 1, 2022.

## **SECTION .0900 – TRAINER CERTIFICATE**

### **14B NCAC 16 .0904 RENEWAL OF A FIREARMS TRAINER CERTIFICATE**

(a) Each applicant for renewal of a firearms trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate and shall be accompanied by:

- (1) uploaded online a certificate of successful completion of a firearms trainer refresher course approved by the Board and the Secretary of Public Safety consisting of a minimum of eight hours of classroom and practical range training in safety and maintenance of the applicable firearm (i.e. handgun, shotgun, or rifle), range operations, control and safety procedures, and methods of firing. This training shall be completed within 180 days of the submission of the renewal application;
- (2) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 48 months;
- (3) the applicant's renewal fee, along with the four dollar (\$4.00) convenience fee and credit card transaction fee; and
- (4) the actual cost charged to the Private Protective Services Board by the State Bureau of Investigation to cover the cost of criminal record checks performed by the State Bureau of Investigation, collected online by the Private Protective Services Board.

- (b) Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return shall receive that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue shall be furnished to the Board.
- (c) Any firearms trainer who fails to qualify with the minimum score during the refresher course shall not continue to instruct during the period between the failure to qualify and the expiration of his or her permit.
- (d) The holder of a firearms trainer certificate may utilize a dedicated light system or gun mounted light for personal requalification.
- (e) During a national or State declared state of emergency that restricts or prohibits a certified firearms trainer from requalifying, the Board shall, upon written request to the Director, extend the deadline for requalification up to ~~60~~ 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the ~~60<sup>th</sup>~~ 90<sup>th</sup> day if requalification requirements have not been met.

*History Note:* Authority G.S. 74C-5; 74C-8.1(a); 74C-13;  
 Eff. June 1, 1984;  
 Amended Eff. January 1, 2013; October 1, 2010; June 1, 2009; December 1, 1995; December 1, 1985;  
 Transferred and Recodified from 12 NCAC 07D .0904 Eff. July 1, 2015;  
 Amended Eff. November 1, 2017; February 1, 2016; October 1, 2015;  
 Readopted Eff. November 1, 2019;  
 Amended Eff. March 1, 2020;  
 Emergency Amendment Eff. May 6, 2020;  
 Temporary Amendment Eff. July 24, 2020;  
 Temporary Amendment Expired Eff. May 14, 2021;

**14B NCAC 16 .0911 RENEWAL OF AN UNARMED TRAINER CERTIFICATE**

(a) Each applicant for renewal of an unarmed trainer certificate shall complete an online renewal form on the website provided by the Board. This form shall be submitted online not less than 30 days prior to the expiration of the applicant's current certificate. In addition, the applicant shall include the following:

- (1) the renewal fee set forth in Rule .0903(a)(3) of this Section and collected online as part of the application process;
- (2) a certificate of completion of a minimum of 16 hours of Board developed armed or unarmed instruction performed during the current unarmed trainer certification period; ~~and~~
- (3) a statement verifying the classes taught during the current unarmed trainer certification period on a form provided by the Board as part of the online application ~~process~~; process; and
- (4) uploaded online a statement of the results of a criminal history records search by the reporting service designated by the Board pursuant to G.S. 74C-8.1(a) for each state where the applicant has resided within the preceding 24 months.

(b) If there is a criminal charge pending against the applicant for renewal that constitutes a deniable offense under G.S. 74C-8(d)(2), consideration of the application shall be deferred until the criminal charge is adjudicated. The deadline for completion of any requirement mandated by the Board's law and rules, such as continuing education or firearms re-qualification, will be stayed during the period of deferral.

~~(b)(c)~~ Members of the armed forces whose certification is in good standing and to whom G.S. 105-249.2 grants an extension of time to file a tax return are granted that same extension of time to pay the certification renewal fee and to complete any continuing education requirements prescribed by the Board. A copy of the military order or the extension approval by the Internal Revenue Service or by the North Carolina Department of Revenue must be furnished to the Board.

(d) During a national or State declared state of emergency that restricts or prohibits an unarmed trainer from performing the instruction required by Subparagraph (a)(2) of this Rule, the Board shall, upon written request to the Director, extend the deadline for renewal up to 90 days beyond the effective period of the state of emergency. Any certificate renewed pursuant to this Paragraph shall be issued conditionally and shall automatically expire on the 90th day if instruction requirements have not been met.

*History Note: Authority G.S. 74C-8; 74C-9; 74C-11; 74C-13;  
Eff. August 1, 2004;  
Amended Eff. January 1, 2013; October 1, 2010; January 1, 2008;  
Transferred and Recodified from 12 NCAC 07D .0911 Eff. July 1, 2015;  
Readopted Eff. March 1, 2020.*